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**REMARKS**

Concurrent with a Request for Continued Examination ("RCE") under 37 CFR § 1.114, this paper is filed in response to the Office Action mailed June 13, 2006, and the Advisory Action mailed October 24, 2006. Claims 1-16 are currently pending in the application and presently stand rejected. The specification has been amended herein to correct typographical errors and correct the priority claim. In addition, a new declaration is being submitted herewith to remedy the informality noted by the Examiner. For the reasons set forth below, Applicants submit that the pending claims are in condition for immediate allowance. Reconsideration is respectfully requested.

Although Application Serial No. 09/670,182 is a CIP of Serial No. 08/922,905,<sup>1</sup> Applicants still maintain that the pending claims should be entitled to at least the priority date of Application Serial No. 08/922,905 (now issued as U.S. Patent No. 6,123,688). Since Application Serial No. 08/922,905 predates the cited Barker reference (U.S. Patent No. 6,569,115), that reference should not be considered prior art vis-à-vis the pending claims.<sup>2</sup>

Although the present Application has not claimed priority to Barker, Barker should not be considered prior art because the '688 Patent—which the present Application has claimed priority to—predates Barker and contains disclosure that fully supports the pending claims. See, e.g., MPEP § 201.11 (stating that any claim in a

<sup>1</sup> In the Advisory Action mailed October 24, 2006, the Examiner indicated that Application Serial No. 08/922,905 "is considered a CIP since the drawings and the specification are different from 09/670,182." Page 2. After studying these two applications, Applicants agree that the drawings and specifications differ, but notes that Application Serial No. 09/670,182 should be considered a CIP of Serial No. 08/922,905, rather than the reverse as indicated by the Examiner. Applicants have therefore amended the priority claim in the present Application to correct this incongruity.

<sup>2</sup> The Examiner has already indicated that the other cited reference, U.S. Patent No. 5,788,677, has been disqualified as prior art. Advisory Office Action, page 2.

CIP application which is directed to subject matter adequately disclosed in a parent application is entitled to the benefit of the filing date of the parent). To illustrate, Applicants direct the Examiner's attention to figures 27-30 in the '688 Patent as an example of an embodiment which supports the pending claims.

Figure 28 depicts a medical device for providing an injection of fluid. The medical device comprises a barrel 408, a retractable needle 413, and a mounting stem 435 having a connector 480 that is cooperable with a cartridge 401 containing a quantity of medicinal fluid. This precisely tracks the language of claim 1. See also '688 Patent, col. 12, line 53 through col. 14, line 19. Continuing with the language of claim 1, Figure 28 depicts the mounting stem 435 as defining an annular passage 493 and including an arm 481, which releasably engages a recess 473 in barrel 408. Cartridge 401 includes a seal 415, which comprises a connector (threaded opening) cooperable with the connector 480 on the stem 435. The cartridge 401 is attached to the mounting stem 435 by threading the two connectors together. The fluid in cartridge 401 is displaced through the passage 493 until the fluid container engages the arm 481, as shown in Figure 28. In particular, the engagement between the fluid container and the arm 481 can be seen in Figure 28 in between the lead lines for reference numerals 481 and 483. Once the user engages actuating surface 472, the fluid container may be displaced further forwardly to displace the arm 481 from recess 473 and, subsequently, effect release of needle 413. Needle 413 is retracted after being released by means of a biasing element (spring 429). See col. 13, lines 19-48.

Claim 1 is therefore fully supported by the disclosure of the '688 Patent. Independent claim 4 which contains similar limitations is also fully supported by the '688 Patent.

Independent claim 8, which is an apparatus claim, is also fully supported by the disclosure of the '688 Patent. To illustrate, Figures 27 and 28 show a hollow housing 408 having a central axis, an ampoule 401 with a plug 415 sealing an open end, and a retractable needle 413. A biasing element (spring 429) biases needle 413 towards the retracted position. A stem 435 in the housing 408 is configured to matingly engage plug 415 at threaded boss 480. Fluid is injected through needle 413 by displacing the ampoule 401 forwardly relative to the stem 435. This can best be seen in Figure 28, which shows the device after all of the fluid has been displaced out of ampoule 401. The embodiment of Figures 27-30 also includes a latch 481 that is, prior to injecting the fluid in ampoule 401, spaced from the rim of ampoule 401 at a distance substantially similar to the length of the fluid chamber. In this manner, the ampoule 401 engages latch 481 at the end of the injection, as shown in Figure 28. Finally, after engaging the latch 481, continued forward displacement of the ampoule 401 releases needle 413, as discussed on lines 19-48 of column 13.

In view of the foregoing, Applicants submit that the claims define patentable subject matter and a Notice of Allowance is requested. Should questions exist after consideration of the foregoing, the Office is kindly requested to contact Applicants' attorney at the telephone number given herein.

Page 13 of 14

SahLako-295424.1 0011487-00004

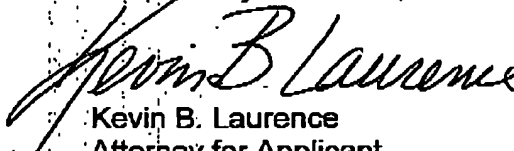
U.S. Patent Application Serial No. 10/724,663  
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DATED this 13th day of December, 2006.

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Page 14 of 14

SaltLake-295424.1 0011487-00004

U.S. Patent Application Serial No. 10/724,663  
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